

Union Calendar No. 399

103D CONGRESS
2D SESSION

H. R. 4361

[Report No. 103-722]

A BILL

To amend title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member; to modify the voluntary leave transfer program with respect to employees who are members of the same family, and for other purposes.

SEPTEMBER 19, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1994

Ms. NORTON introduced the following bill; which was referred to the
Committee on Post Office and Civil Service

SEPTEMBER 19, 1994

Additional sponsors: Mrs. MORELLA, Mr. MINETA, and Mr. HOYER

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[Omit the part struck through and insert the part printed in italic]

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3 SECTION 1. SHORT TITLE.

6 **SEC. 2. USE OF SICK LEAVE TO CARE FOR A FAMILY MEM-**
7 **BER.**

Section 6307 of title 5, United States Code, is amended by adding at the end the following:

19 “(2) In addition to any other allowable purpose, sick
20 leave may be used by an employee to give care or otherwise
21 attend to a family member of the employee having an ill-
22 ness, injury, or other condition which, if an employee had
23 such condition, would justify the use of sick leave by such
24 an employee.

1 “(2) In addition to any other allowable purpose, sick
2 leave may be used by an employee—

3 “(A) to give care or otherwise attend to a family
4 member having an illness, injury, or other condition
5 which, if an employee had such condition, would jus-
6 tify the use of sick leave by such an employee; or

7 “(B) for purposes relating to the death of a fam-
8 ily member, including to make arrangements for or
9 attend the funeral of such family member.

10 “(3)(A) This subsection shall be effective during the
11 3-year period that begins upon the expiration of the 2-
12 month period that begins on the date of the enactment
13 of this subsection.

14 “(B) Not later than 6 months before the date as of
15 which this subsection is scheduled to cease to be effective,
16 the Office shall submit a report to Congress in which it
17 shall evaluate the operation of this subsection and make
18 recommendations as to whether or not this subsection
19 should be continued beyond such date.”.

20 **SEC. 3. TRANSFERS OF ANNUAL LEAVE BETWEEN FAMILY**
21 **MEMBERS.**

22 (a) AUTHORITY.—

23 (1) IN GENERAL.—Subchapter III of chapter
24 63 of title 5, United States Code, is amended by in-
25 serting after section 6337 the following:

1 **“§ 6337a. Authority relating to transfers between fam-**
2 **ily members**

3 “(a) The Office of Personnel Management shall mod-
4 ify the program established by it under the other provi-
5 sions of this subchapter such that, in addition to any cir-
6 cumstance in which a transfer of annual leave would be
7 permitted under those other provisions, such a transfer
8 could also be made in the absence of any medical emer-
9 gency, but only if the transfer is from an employee to a
10 family member of the employee.

11 “(b) The terms and conditions applicable with respect
12 to any transfer of leave under such other provisions of this
13 subchapter shall also apply with respect to any transfer
14 of leave under this section, except to the extent otherwise
15 provided in this section.

16 “(c)(1) An application to receive any transfer of leave
17 under this section shall, in addition to providing the infor-
18 mation specified in section 6333(a)(1)(B)(i), identify the
19 employee (complete with such evidence of relationship as
20 may be required) from whom the applicant wishes to re-
21 ceive leave.

22 “(2) Subsections (a)(1)(B)(ii)–(iii), (a)(2), and (c) of
23 section 6333, and the exhaustion requirement under sub-
24 section (b) of such section, shall not apply for purposes
25 of this section.

1 “(3) An employee shall not be eligible to receive a
2 transfer of leave under this section if or to the extent that
3 the leave transfer would cause the total amount of annual
4 leave available to such employee to exceed 240 hours.

5 “(d) In connection with applying section 6334 for
6 purposes of this section, the Office may by regulation re-
7 quire the inclusion of such information, on any application
8 to which such section relates, as may be necessary to fa-
9 cilitate the administration of this section.

10 “(e)(1) Sections 6335, 6336, and 6337 shall not
11 apply for purposes of this section, except to the extent re-
12 quired under subsection (g)(2).

13 “(2)(A) For purposes of carrying out the provisions
14 of law cited in section 6335(b)(2) with respect to any em-
15 ployee to whom a transfer of leave is made under this sec-
16 tion in the year in which the separation or other event
17 (constituting the basis for the lump-sum payment in-
18 volved) occurs, the total amount of leave based on which
19 such payment is computed shall be equal to the total
20 amount which would otherwise apply, reduced by the net
21 amount of leave received by such employee in such year
22 under this section, but not below zero.

23 “(B) For the purpose of subparagraph (A), the net
24 amount of leave received under this section by an employee
25 in a year shall be equal to the amount by which—

1 “(i) the total amount of leave received under
2 this section by such employee in such year, exceeds

3 “(ii) the total amount of leave received under
4 this section from such employee by any other em-
5 ployee in such year,

6 if at all.

7 “(f) A determination under this section as to whether
8 or not an employee is a family member of another em-
9 ployee shall be made using the definition under section
10 6307(d).

11 “(g) Nothing in this section shall be considered to
12 permit an employee to make a transfer of leave under this
13 section to any other employee if—

14 “(1) an application by or on behalf of such
15 other employee under section 6333 has been ap-
16 proved with respect to a medical emergency; and

17 “(2) such medical emergency has not yet termi-
18 nated (as determined in accordance with section
19 6335).

20 “(h)(1) Transfers of leave under this section may be
21 made during the 3-year period which begins at the start
22 of the first year beginning at least 60 days after the date
23 of the enactment of this section. The beginning and ending
24 dates of such 3-year period shall be fixed by the Office,
25 in a manner consistent with section 6304, by regulation.

1 “(2) This section shall cease to be effective at the
2 end of the 3-year period described in paragraph (1).

3 “(3) Not later than 6 months before the date as of
4 which this section is scheduled to cease to be effective,
5 the Office shall submit a report to Congress in which it
6 shall evaluate the operation of this section and make rec-
7 ommendations as to whether or not this section should be
8 continued beyond such date.”.

9 (2) TABLE OF SECTIONS.—The table of sections
10 for chapter 63 of title 5, United States Code, is
11 amended by inserting after the item relating to sec-
12 tion 6337 the following:

“6337a. Authority relating to transfers between family members.”.

13 (b) EXCEPTED AGENCIES.—Section 6339(c)(1) of
14 title 5, United States Code, is amended by striking “emer-
15 gency.” and inserting “emergency, or to the extent such
16 a transfer would be allowable under section 6337a.”.